

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 64.2-2005 of the Code of Virginia, relating to filing of evaluation*
3 *reports for incapacitated persons.*

4
5 Approved

[H 413]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 64.2-2005 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 64.2-2005. Evaluation report.**

9 A. A report evaluating the condition of the respondent shall be filed, *under seal*, with the court and
10 provided to the guardian ad litem, *the respondent, and all adult individuals and all entities to whom*
11 *notice is required under subsection C of § 64.2-2004* within a reasonable time prior to the hearing on
12 the petition. The report shall be prepared by one or more licensed physicians or psychologists or
13 licensed professionals skilled in the assessment and treatment of the physical or mental conditions of the
14 respondent as alleged in the petition. If a report is not available, the court may proceed to hold the
15 hearing without the report for good cause shown, absent any objection by the guardian ad litem, or may
16 order a report and delay the hearing until the report is prepared, filed, and provided to the guardian ad
17 litem.

18 B. The report shall evaluate the condition of the respondent and shall contain, to the best information
19 and belief of its signatory:

20 1. A description of the nature, type, and extent of the respondent's incapacity, including the
21 respondent's specific functional impairments;

22 2. A diagnosis or assessment of the respondent's mental and physical condition, including a statement
23 as to whether the individual is on any medications that may affect his actions or demeanor, and, where
24 appropriate and consistent with the scope of the evaluator's license, an evaluation of the respondent's
25 ability to learn self-care skills, adaptive behavior, and social skills and a prognosis for improvement;

26 3. The date or dates of the examinations, evaluations, and assessments upon which the report is
27 based; and

28 4. The signature of the person conducting the evaluation and the nature of the professional license
29 held by that person.

30 C. In the absence of bad faith or malicious intent, a person performing the evaluation shall be
31 immune from civil liability for any breach of patient confidentiality made in furtherance of his duties
32 under this section.

33 D. A report prepared pursuant to this section shall be admissible as evidence *in open court* of the
34 facts stated in the report and the results of the examination or evaluation referred to in the report, unless
35 counsel for the respondent or the guardian ad litem objects.

ENROLLED

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